

# **STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES**

- 1. Name of Board, Committee or Council:** Board of Optometry
- 2. Rulemaking hearing date:** January 18, 2007
- 3. Types of small businesses that will be directly affected by the proposed rules:**

## **Amendment to 1045-2-.03 Examinations**

- (a) Unlicensed optometrists who intend to practice as sole proprietors, or as members of a partnership or limited liability company, or as shareholders in a professional corporation; and
- (b) Optometric and medical practices who intend to employ optometrists who are seeking licensure in Tennessee.

## **Amendment to 1045-2-.05 Continuing Education**

- (a) Optometrists who practice as sole proprietors, or as members of a partnership or limited liability company, or as shareholders in a professional corporation; and
- (b) Optometric and medical practices who employ optometrists; and
- (c) Continuing education course providers; and
- (d) Independently owned pharmacies.

- 4. Types of small businesses that will bear the cost of the proposed rules:**

## **Amendment to 1045-2-.03 Examinations**

The Board anticipates the proposed rule amendment will reduce, rather than increase, small business expenses.

## **Amendment to 1045-2-.05 Continuing Education**

- (a) Short term
  - I. Optometrists who practice as sole proprietors, or as members of a partnership or limited liability company, or as shareholders in a professional corporation; and
  - II. Optometric and medical practices that pay for the continuing education of the optometrists whom they employ; and

**III. Independently owned pharmacies.**

**(b) Long term**

The Board anticipates the proposed rule amendment will reduce, rather than increase, small business expenses for:

I. Optometrists who practice as sole proprietors, or as members of a partnership or limited liability company, or as shareholders in a professional corporation; and

II. Optometric and medical practices that employ podiatrists.

**(c) Continuing education course providers will have routine course development and presentations costs but will also have routine revenue coming from course registration fees.**

**5. Types of small businesses that will directly benefit from the proposed rules:**

**Amendment to 1045-2-.03 Examinations**

**(a) Unlicensed optometrists who intend to practice as sole proprietors, or as members of a partnership or limited liability company, or as shareholders in a professional corporation; and**

**(b) Optometric and medical practices who intend to employ optometrists who are seeking licensure in Tennessee.**

**Amendment to 1045-2-.05 Continuing Education**

**(a) Short term**

Continuing education course providers whose course registration revenues exceed their course development and presentation expenses.

**(b) Long term**

I. Optometrists and optometric or medical practices who employ optometrists will realize the benefits of improved patient care as a result of having obtained knowledge of current prescribing practices, including possible efficiency improvements, reduced insurance costs, a lower probability of licensure or peer review discipline and a reduction in malpractice awards, judgments and settlements; and

- II. Continuing education course providers whose course registration revenues exceed their course development and presentation expenses.

**6. Description of how small business will be adversely impacted by the proposed rules:**

**Amendment to 1045-2-.03 Examinations**

The Board anticipates the proposed rule amendment will favorably, rather than adversely, impact small businesses.

**Amendment to 1045-2-.05 Continuing Education**

- (a) Optometrists and optometric or medical practices who pay for the continuing education of the optometrists whom they employ may have to pay higher registration fees to find a course that will meet the proposed rule's requirements. Also, because of the way continuing education is offered, some optometrists will end up completing an additional hour of continuing education instead of making the prescribing course part of the existing continuing education requirement; and
- (b) Continuing education course providers whose course registration revenues are less than their course development and presentation expenses will realize a loss from the course; and
- (c) Independently owned pharmacies may see a reduction in business if fewer prescriptions are filled as a result of improved prescribing practices.

**7. Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**

**Amendment to 1045-2-.03 Examinations**

The Board does not believe there are less burdensome alternatives because the intent of the proposed rule amendment is precisely that.

**Amendment to 1045-2-.05 Continuing Education**

The Board is concerned with Tennessee's history of excessive drug prescribing and drug consumption, and therefore does not believe there are less burdensome alternatives. Continuing education will not guarantee that a licensee learns or retains knowledge but the Board is not aware of any less burdensome alternative that holds similar promise and potential.

**8. Comparison of the proposed rule with federal or state counterparts:**

**Federal** The Board is not aware of any federal counterparts.

**State** The proposed rule amendments are similar to various continuing education category requirements and various jurisprudence exam requirements for fifteen (15) of the health-related licensing boards, committees, and councils.